IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ASHLAND JEWELERS, INC., an Illinois corporation, PJ'S PAWN PLUS, LLC, a Missouri limited liability company, MISSOURI COIN CO., INC., a Missouri corporation, EXCEL PAWN, INC., a Minnesota corporation, CN CASH FOR GOLD, LLC, a Kansas limited liability company, individually and on the behalf of a class of all other persons and/or entities similarly situated, Plaintiffs, v. NTR METALS, LLC, a Texas limited liability company a/k/a NORTH TEXAS, REFINING, LLC, a Texas limited liability company, Defendant.	)	No. CLASS ACTION COMPLAINT JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

NOW COME the Plaintiffs, individually, and on behalf of a class of all other persons and/or similarly situated, by and through their attorneys, the Law Offices of Robert J. Shelist, P.C., and upon knowledge as to themselves and their own acts, and otherwise upon information and belief, and as and for their Class Action Complaint against the Defendant, NTR Metals, LLC, a Texas limited liability company, a/k/a North Texas Refining, LLC, a Texas limited liability company, allege as follows:

INTRODUCTION

1. This action is brought by the Plaintiffs to secure redress against NTR Metals, LLC, a Texas limited liability company, a/k/a North Texas Refining, LLC, a Texas limited liability

company ("NTR") for breach of contract, unfair and deceptive practices perpetrated on its customers, negligence and unjust enrichment related to the refinement and purchase of precious metals delivered to the company by its customers.

JURISDICTION

2. The Court has subject matter jurisdiction of this class action pursuant to 28 U.S.C. § 1332(d), under the Class Action Fairness Act (CAFA), because this class action includes Plaintiffs and class members who are of diverse citizenship to the Defendant, and the amount in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs.

PARTIES

3. The Plaintiffs and members of the Class are persons and/or entities who brought precious metals to NTR for refinement and sale but received less than fair market value for their material.

4. Defendant NTR Metals, LLC, a Texas limited liability company, a/k/a North Texas Refining, LLC, a Texas limited liability company is headquartered at 10720 Composite Drive, Dallas Texas.

THE METAL REFINING AND PROCESSING BUSINESS

5. When the public sells their jewelry scrap for cash, typically they sell to retail jewelers, pawnbrokers, second hand dealers, coin shops or television or internet buyers. When these various businesses are ready to liquidate their stock, typically they sell their products to a precious metal refinery.

6. Metal refineries then process the metal to its fully refined pure state or simply melt the metal and analyze the material to determine the value they will pay for that metal.

7. The historically most accurate testing to determine the purity and value of the metal and the industry standard is the "corrected fire assay" method.

8. Assaying is the process to determine the metal content of an ore separating impurities from the metal to determine the actual metal content present in the original sample. The original sample is placed into an assay furnace, for gold, usually at temperatures of about 2,000 degrees Fahrenheit. The fire assay method is the most reliable method for determining the content of ores that contain the precious (noble) metals - gold, silver and platinum.

9. Fire assay is used to determine the content of ores that contain the precious (noble) metals - gold, silver and platinum. It is a pryometallurgical and chemical laboratory process involving almost thirty steps per sample under very controlled laboratory conditions by highly trained chemists and technicians. Using this method of analysis, an accurate percentage of the precious metal content can reliably be determined.

10. A precious metal processor paying on the basis of the fire assay testing method requires a minimum of two or more days to complete an analysis of the tested metal as it is normally run on a batch basis and involves a laboratory process with numerous steps and mathematical calculations.

11. Final payment for the value of the metal using the fire assay testing method traditionally takes 5-7 days from the date of the receipt of the material. This time frame allows a refinery the time needed to properly melt and assay the material.

12. X-Ray Flourescence (XRF) is another method used for precious metal analysis. On information and belief, XRF is the testing method employed by NTR.

13. This method involves the use of laboratory instrumentation and has gained notoriety recently as the quality of instrumentation and related software have incrementally improved. This

method, however, has severe inherent limitations that make it unreliable as the sole method of analysis for determining actual precious metal content in a given sample to the accuracy required by precious metal smelters and refiners to insure proper valuation of a customer's material.

14. The XRF method requires that the laboratory instrumentation be properly calibrated in order to get accurate results. Improper calibration of XRF equipment will report analytical results that are consistently biased and incorrect, either on the high or low side, depending on how the machine's "standards" are programmed, from what the actual percentage is of precious metal contained in a given sample.

NTR'S BUSINESS

15. NTR is a relatively new player in the precious metal industry having been in business for approximately five years.

16. According to its website, NTR is a privately owned $1.2 Billion company that has thirty-four locations worldwide, including locations throughout the United States and the United Kingdom, serving more than 20,000 companies, ranging from small independent businesses to large corporations.

17. NTR describes itself on its website as one of the world's largest precious metals companies. It makes a market in all precious metal bullion and offers a full range of refining, recycling and minting services. It offers its customers services in the areas of commercial refining, industrial recycling and refining, as a precious metals market maker, and in bullion minting.

18. In the industrial recycling and refining industry, NTR assists in recovering precious metals from recycled hazardous and non-hazardous waste streams. According to its website, NTR leads the industry in developing new processes and technology to convert hazardous waste streams

into productive raw materials. NTR's stated goal is to help its clients achieve zero-residue recycling for all of their hazardous waste.

19. As a precious metals market maker, NTR enables the precious metals investment community as a market maker for gold, silver, platinum and palladium precious metal bullion. With bullion trading desks in the United States and United Kingdom, NTR Metals helps its clients stay at the forefront of the precious metals market, as set forth on its website.

20. With respect to bullion minting, NTR creates pure bullion products for sale utilizing what it describes as "only the finest precious metals." NTR's bullion products are guaranteed for purity, weight and quality.

21. With respect to commercial refining, the subject matter of the instant lawsuit, NTR states that it serves the needs of jewelers, pawnbrokers and other members of the precious metals industry. It offers gold, silver, platinum and palladium scrap metal refining, and according to its website, it delivers the fastest returns in the industry and employs the most advanced technology and a proven methodology to precisely weigh, sample and assay. Walk up customers receive payment in typically less than one hour's time.

22. NTR states that it uses a two-tiered quality-control system for optimal testing accuracy. Its trained professionals allegedly perform onsite calibration of all testing equipment, which is serviced centrally on a regular basis, to keep the equipment performing according to specifications.

23. Assays are included as part of NTR's standard commercial refining services. According to its website, NTR utilizes the following assay methods: fire assay (cupellation); inductively coupled plasma (ICP) [1] and x-ray fluorescence (XRF).

[1] Inductively Coupled Plasma (ICP) is an analytical technique used for the detection of trace metals in environmental samples. The primary goal of ICP is to get elements to emit characteristic

24. NTR represents on its website that it "pays top prices for precious metals."

25. NTR typically pays its customers a 98% return rate of the value of their precious metals charging a 2% fee for its services.

26. NTR markets its refining business to jewelers, pawnbrokers, collectors and others stating that it provides "new standards in convenience, turnaround time and liquidity."

27. In its marketing campaign, customers are recruited to drop off their metal for processing at one of NTR's many locations and in one hour's time, they will be provided with final payment.

28. In its refining business, NTR primarily if not exclusively utilizes the XRF testing method, on information and belief, to allow it to have quick turnaround time for metal analysis and final payment.

29. The XRF testing method is not as reliable as the fire assay testing method leading to the potential for inaccurate results.

30. It would literally be impossible for NTR to use the industry standard fire assay method for its refinery business as quick turnaround can not be accomplished in one hour's time due to the intrinsic testing and chemical analysis required.

31. The inaccurate results generated by solely utilizing XRF testing on samples, without also doing the more lengthy fire assay testing method, does not allow NTR to meet its stated goals of providing accurate and fast results while paying the top price for a customer's precious metals.

32. NTR routinely underpays its customers for their precious metals failing to accurately determine the assay percentage of the samples it tests.

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wavelength specific light which can then be measured. Uses for ICP include the medical and forensic field, specifically, toxicology, to determine metal poisoning, metabolic concerns, and hepatological issues. Another primary use for this instrument lies in the environmental field including water and soil testing. It is also used for motor oil analysis and in the field of radiometric dating. It is not primarily used to determine the purity of metals.

33. Furthermore, on information and belief, NTR either affirmatively and systematically manipulates its XRF testing results in its favor by calibrating its machines with faulty and biased standards, negligently calibrates its machines or fails to properly maintain them yielding inaccurate testing results.

34. The bottom line is that NTR's testing results are consistently biased in its favor contrary to the best interests of its customers.

35. The erroneous testing results have been repeatedly affirmed by customers who requested and received samples returned from their submittals to NTR followed by independent assay results received from independent testing facilities. In all cases, NTR had understated and reported the assay percentage of the samples by approximately 1.5%.

36. In the precious metals industry, even a 0.250% variance is outside of reasonable tolerance levels depending on the type and weight of involved material. For karat gold, it is unacceptable to have an assay difference of much more than 0.150% variance. Yet, NTR routinely operates at a variance rate of ten times greater than the acceptable rate of tolerance.

37. When considering that NTR claims to be one of the largest metal refiners in the United States, coupled with the fact that it has been refining metal for several years now, customers have been shorted countless millions of dollars during that timeframe due to NTR's understating of the percentage of metal contained in its samples.

THE PLAINTIFFS' CLAIMS

PJ'S PAWN PLUS, LLC

38. On September 12, 2007, a representative of PJ's Pawn Plus, LLC ("PJ's"), took 942.10 DWT 10 karat gold scrap to the St. Louis, Missouri location of NTR for sale. The gold melted down

to a weight of 919.80 DWT and was assayed by NTR at 40.50%. PJ's was paid $12,978.19 for its gold.

39. PJ's requested and received a sample of the melt back from NTR and then sent the samples to two separate commercial laboratories for analysis, Hauser & Miller Co., located in St. Louis, Missouri, and Daniel & Son Assayers, Inc., located in Los Angeles, California.

40. Both companies performed fire assay testing on the samples provided by PJ's and both testing companies confirmed that PJ's was shorted by NTR. Hauser & Miller Co. reported fire assay results of 43+% while Daniel & Son Assayers, Inc. reported 42.956% results.

41. At the gold price effective at the time of the testing, NTR undervalued PJ's sample by $821.09. After NTR's two percent fee was deducted, PJ's was underpaid $787.02 by NTR.

MISSOURI COIN CO., INC.

42. On January 16, 2009, a representative of Missouri Coin Co., Inc. ("Missouri Coin"), took a batch of mixed karat gold scrap weighing 2244.60 DWT to the St. Louis, Missouri location of NTR for sale. The gold melted down to a weight of 2200.40 DWT and was assayed by NTR at 53.40%. Missouri Coin was paid $47,273.53 for its gold.

43. Missouri Coin requested and received a sample of the melt back from NTR and then sent the sample for analysis to Inspectorate USA located in Sparks, Nevada.

44. A fire assay testing was performed on the sample provided by Missouri Coin which confirmed that Missouri Coin was underpaid by NTR. Inspectorate USA reported fire assay results of 56.251%.

45. At the gold price effective at the time of the testing, NTR undervalued Missouri Coin's sample by $2,562.35. After NTR's one and one half percent fee was deducted, Missouri Coin was

underpaid $2,523.65 by NTR.

EXCEL PAWN, INC.

46. On July 27, 2009, a representative of Excel Pawn, Inc. ("Excel") submitted three lots to NTR's Dallas, Texas location for sale. The first lot of mixed karat gold scrap weighed 591.3 DWT and melted down to a weight of 572.3 DWT and was assayed by NTR at 53.70%. Excel was paid $14,330.08 for its gold.

47. Excel requested and received a sample of the melt back from NTR and then sent the sample for analysis to Daniel & Son Assayers, Inc. located in Los Angeles, California.

48. A fire assay testing was performed on the sample provided by Excel which confirmed that Excel was shorted by NTR. Daniel & Son Assayers, Inc. reported fire assay results of 55.18%.

49. At the gold price effective at the time of the testing, NTR undervalued Excel's sample by $403.00. After NTR's two percent fee was deducted, Excel was underpaid $394.94 by NTR.

50. The second lot of mixed karat gold scrap weighed 349.6 DWT and melted down to a weight of 332.8 DWT and was assayed by NTR at 57.30%. Excel was paid $8,891.78 for its gold.

51. Excel requested and received a sample of the melt back from NTR and then sent the sample for analysis to Daniel & Son Assayers, Inc. located in Los Angeles, California.

52. A fire assay testing was performed on the sample provided by Excel which confirmed that Excel was shorted by NTR. Daniel & Son Assayers, Inc. reported fire assay results of 58.35%.

53. At the gold price effective at the time of the testing, NTR undervalued Excel's sample by $166.26. After NTR's two percent fee was deducted, Excel was underpaid $162.94 by NTR.

54. The third lot of mixed karat gold scrap weighed 200.5 DWT and melted down to a weight of 188.3 DWT and was assayed by NTR at 50.20%. Excel was paid $4,407.63 for its gold.

55. Excel requested and received a sample of the melt back from NTR and then sent the sample for analysis to Daniel & Son Assayers, Inc. located in Los Angeles, California.

56. A fire assay testing was performed on the sample provided by Excel which confirmed that Excel was shorted by NTR. Daniel & Son Assayers, Inc. reported fire assay results of 51.76%.

57. At the gold price effective at the time of the testing, NTR undervalued Excel's sample by $139.76. After NTR's two percent fee was deducted, Excel was underpaid $136.97 by NTR.

CN CASH FOR GOLD, LLC

58. On May 6 2010, a representative of CN Cash for Gold, LLC ("Cash for Gold") took a batch of mixed karat gold scrap to NTR's Riverside, Missouri location for sale. The mixed karat gold scrap weighed 1,482.1 DWT and melted down to a weight of 1,466.0 DWT and was assayed by NTR at 52.00%. Cash for Gold was paid $45,123.25 for its gold.

59. Cash for Gold requested and received a sample of the melt back from NTR and then sent the sample for analysis to Daniel & Son Assayers, Inc. located in Los Angeles, California.

60. Assay testing was performed on the sample provided by Cash for Gold which confirmed that it was shorted by NTR. Daniel & Son Assayers, Inc. reported fire assay results of 53.68%

61. At the gold price effective at the time of the testing, NTR undervalued Cash for Gold's sample by $1,488.46. After NTR's two percent fee was deducted, Cash for Gold was underpaid $1,458.69 by NTR.

ASHLAND JEWELERS, INC.

62. On April 9, 2010, a representative of Ashland Jewelers, Inc. ("Ashland Jewelers") submitted a lot to NTR's Chicago, Illinois location for sale. The lot consisted of mixed karat gold

scrap weighing 337.9 DWT and melted down to a weight of 334.6 DWT and was assayed by NTR at 50.60%. Ashland Jewelers was paid $9,646.67 for its gold.

63. Ashland Jewelers requested and received a sample of the melt back from NTR and then sent the sample for analysis to Inspectorate America Corporation located in Sparks, Nevada.

64. A fire assay testing was performed on the sample provided by Ashland Jewelers which confirmed that Ashland Jewelers was shorted by NTR. Inspectorate America Corporation reported fire assay results of 51.59%.

65. At the gold price effective at the time of the testing, NTR undervalued Ashland Jewelers's sample by $192.79. After NTR's two percent fee was deducted, Ashland Jewelers was underpaid $188.93 by NTR.

66. A second lot of mixed karat gold scrap was submitted by Ashland Jewelers to NTR's Chicago, Illinois location for sale on April 20, 2010. The second sample weighed 401.9 DWT and melted down to a weight of 399.5 DWT and was assayed by NTR at 49.60%. Ashland Jewelers was paid $11,068.77 for its gold.

67. Ashland Jewelers requested and received a sample of the melt back from NTR and then sent the sample for analysis to Inspectorate America Corporation located in Sparks, Nevada.

68. A fire assay testing was performed on the sample provided by Ashland Jewelers which confirmed that Ashland Jewelers was shorted by NTR. Inspectorate America Corporation reported fire assay results of 50.10%.

69. At the gold price effective at the time of the testing, NTR undervalued Ashland Jeweler's sample by $114.09. After NTR's two percent fee was deducted, Ashland Jewelers was

underpaid $111.80 by NTR.

CLASS ALLEGATIONS

70. Plaintiffs bring this action on behalf of themselves and all others similarly situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure.

71. Plaintiffs seek certification of a national class defined as follows:

> All persons and entities in the United States (including the District of Columbia) who brought precious metals to NTR for refinement and sale in the past five years who received less than fair market value for their material.
>
> Excluded from the Class are Defendant, any parent, subsidiary, affiliate, or controlled person of Defendant, as well as the officers, directors, agents, servants, or employees of Defendant, and the immediate family members of such persons. Also excluded is any trial judge who may preside over this case.

(the "Class").

72. Should the Court determine that a national Class would not satisfy the applicable requisites for class certification, Plaintiffs propose the certification of separate classes for each of the States (including the District of Columbia).

73. The members of the Class are so numerous, numbering at least in the tens of thousands, and are geographically dispersed making joinder of all members impracticable. The Class members will be identifiable via the forms of notice that are commonly used in consumer class actions. Notice may be provided to the Class under the requirements of Federal Rule of Civil Procedure 23(c)(2) by such combination of print publication, broadcast publication, internet publication, and/or first class mail that this Court determines to be proper.

74. Common questions of law and fact exist as to all members of the proposed Class and predominate over any questions affecting solely individual members of the Class, warranting class

certification under Federal Rule of Civil Procedure 23(b)(3). Among the questions of fact and law common to the Class are the following:

(a) Whether Defendant failed to provide a fair and accurate reporting of the assay content of the refined metals it processed;

(b) Whether Defendant intentionally made misrepresentations and omissions about its business practices by setting up the calibration of its machines in a biased fashion, to its favor, under-reporting the assay content of precious metals it refined and then purchased from its customers;

(c) Whether Defendant carelessly and negligently failed to properly set up the calibration of its machines to properly report the assay content of precious metals it refined and then purchased from its customers;

(d) Whether Defendant failed to honor its stated promise on its website to pay "top prices for precious metals;"

(e) Whether Defendant failed to pay market value to its customers who provided precious metals for refinement and sale;

(f) Whether Defendant's conduct constitutes a breach of the contracts entered into with its customers to refine their precious metals and purchase the same at fair market value;

(e). Whether Defendant's conduct constitutes a violation of state unfair and deceptive practices or acts statutes;

(f). Whether Defendant's conduct constitutes negligence;

(g) Whether Defendant was unjustly enriched by its conduct;

(h) Whether Defendant's conduct proximately caused damages to Plaintiffs and members of the Class;

(i) Whether Plaintiffs and members of the Class are entitled to equitable relief, including but not limited to restitution and/or disgorgement; and

(j) Whether Defendants' conduct has caused damages to Plaintiffs and the members of the Class, and the proper measure of such damages.

75. Plaintiffs' claims are typical of the claims of members of the Class, as all such claims arise out of identical contractual relationships between the Plaintiffs and the members of the Class

for the refinement and sale of their precious metals at market prices and via misrepresentations and omissions made by Defendant. No conflict exists between Plaintiffs and Class members.

76. Plaintiffs will fairly and adequately protect the interests of members of the Class and have no interests antagonistic to those of the other Class members. Plaintiffs have retained counsel experienced and competent in the prosecution and successful settlement of nationwide and statewide class litigation.

77. A class action is superior to other available methods for the fair and efficient adjudication of this controversy, since joinder of all members of the class is impracticable, if not impossible. Furthermore, as the damages suffered by each individual Class member may be relatively small, the expense and burden of individual litigation would make it difficult, if not impossible, for individual members of the Class to redress the wrongs done to them by a large corporation like Defendant.

78. The cost to the court system of such individualized litigation would be substantial. Individualized litigation would also present the potential for inconsistent or contradictory judgments and would magnify the delay and expense to all parties and the court system in multiple trials of identical or similar complex factual issues of the case. By contrast, the conduct of this action as a class action presents fewer management difficulties, conserves the resources of the parties and the court system, protects the rights of each Class member and maximizes recovery to them. Class certification is proper for this reason under Federal Rule of Civil Procedure 23(b)(1)(A).

79. Class certification is proper under Federal Rule of Civil Procedure 23(b)(1)(B) because the prosecution of separate actions by individual Class members would create a risk of adjudications with respect to individual Class members which would, as a practical matter, be dispositive of the

interest of the other members not parties to these adjudications and/or substantially impair their ability to protect those interests.

COUNT ONE

(Breach of Contract)

80. Plaintiffs incorporate by reference the preceding paragraphs as if they were fully set forth herein.

81. In the course of its business, Defendant refines and purchases precious metals from its customers. It provides a report indicating the precious metal assay content of the provided metals and based on the assay percentage and the market price for that precious metal at the time of purchase, provides payment to its customers.

82. Defendant made offers to Plaintiffs and members of the Class to refine and purchase their precious metals in consideration of payment of fair market value for the materials less a fee for its services.

83. Plaintiffs and members of the Class accepted Defendant's offers by having NTR refine and purchase their precious metals.

84. Plaintiffs and members of the Class paid a fee for Defendant's services.

85. Plaintiffs and members of the Class did not receive the desired results from Defendant's services because they did not receive fair market value for their precious metals.

86. Defendant breached their agreements with Plaintiffs and the members of the Class because the assay percentage indicated on NTR's refining statements were consistently biased and erroneous, always in NTR's favor, resulting in less than fair market value payments from NTR to Plaintiffs and members of the Class when their precious metals were purchased.

87. Defendant had an obligation to pay fair market value to the Plaintiffs and members of the Class and failed to fulfill that contractual obligation.

88. In addition, Defendants breached its promise to pay “top prices for precious metals” as set forth on its website.

89. Plaintiffs and members of the Class fulfilled all conditions precedent to the filing of this action.

COUNT TWO

(Violations of All States’ Consumer Fraud and Deceptive Trade Practices Acts)

90. Plaintiffs incorporate by reference the preceding paragraphs as if they were fully set forth herein.

91. Defendant had a statutory duty to refrain from unfair or deceptive acts or practices in the refinement and purchase of precious metals from Plaintiffs and Class Members.

92. NTR engaged in unfair, unconscionable, deceptive, fraudulent and misleading acts or practices in violation of all States’ consumer protection laws, identified below. Through its false, untrue and misleading practices in consistently failing to report the proper and accurate assay and precious metal content of samples provided by Plaintiffs and members of the Class, failure to provide fair market value for purchase of the materials, and misrepresentations and omissions about the efficacy of its practices, Plaintiffs and members of the Class were induced to utilize Defendant’s services, due to the promise to make payment within one hour of dropping off the materials, and thusly have suffered damages.

93. NTR intentionally misrepresented, concealed and omitted that the calibration of its assay machines was biased, consistently in its favor, resulting in less than market payments to all

customers that brought their precious metals for refinement and who then sold those metals to the company.

94. NTR falsely advertised on its website that it " pays top prices for precious metals" when in reality it pays for less than the actual fine metal content contained in the customer's material over and above their quoted refining fees.

95. Moreover, NTR knowingly took advantage of Plaintiffs and Class Members who were not given access to watch the melts of their precious metals or the testing performed by NTR whereby it erroneously arrived at the assay percentage of metal contained in a given sample.

96. NTR's conduct was willful, outrageous, immoral, unethical, oppressive, unscrupulous, unconscionable and substantially injurious to Plaintiffs and Class Members and offends the public conscience.

97. As a result of NTR's violative conduct, Plaintiffs and Class Members were shortchanged by Defendant each and every time they refined their precious metals samples and then sold them to Defendant.

98. NTR has engaged in unfair competition or deceptive acts or practices in violation of all States' consumer fraud and deceptive practices statutes, as follows:

a. Alaska Unfair Trade Practices and Consumer Protection Act (Alaska Stat. § 45.50.471, et seq.);

b. Arizona Consumer Fraud Statute (Ariz. Rev. Stat. § 44-1522**,** et seq.);

c. Arkansas Deceptive Trade Practices Act (Ark. Code § 4-88-101, et seq.);

d. California Consumer Legal Remedies Act (Cal. Civ. Code § 1770, et seq.) and Cal. Bus. & Prof. Code § 17200 et seq. and § 17500, et seq.;

e. Colorado Consumer Protection Act (Colo. Rev. Stat § 6-1-101, et seq.);

f. Connecticut Unfair Trade Practices Act (Conn. Gen. Stat. § 42-l10a, et seq.);

g. District of Columbia Consumer Protections Act (D.C. Code Ann. § 28-3901 et seq.);

h. Delaware Deceptive Trade Practices Act (Del. Code Ann. Tit. § 2531, et seq.) and Consumer Fraud Act (Del. Code Ann. Tit. § 2511, et seq.);

I. Florida Deceptive and Unfair Trade Practices Act (Fla. Stat. § 501.201, et seq.);

j. Hawaii Federal Trade Commission Act (Hawaii Rev. Stat. § 480, et seq.) and the Uniform Deceptive Trade practices Act (Hawaii Rev. Stat. § 481A, et seq.);

k. Idaho Consumer Protection Act (Idaho Code § 48-601, et seq.);

l. Illinois Consumer Fraud and Deceptive Practices Act (815 Ill. Comp. Stat. Ann. § 505/1 et seq. (Smith Hurd)) and the Uniform Deceptive Trade Practices Act (815 Ill. Comp. Stat. Ann. § 510/1 et seq. (Smith Hurd));

m. Indiana Consumer Fraud Act (Ind. Code § 48-601. et seq.);

n. Iowa Consumer Fraud Act (Iowa Code Ann. § 714.16 (West));

o. Kansas Consumer Protection Act (Kan. Stat. Ann. § 50-623 et seq.);

p. Kentucky Consumer Protection Act (Ky. Rev. Stat. § 367.170 et seq.);

q. Maine Consumer Protection Act (5 Me. Rev. Stat. Ann. § 207, et. Seq.);

r. Maryland Consumer Protection Act (Md. Com. Law Code, § 13-301 et seq.);

s. Mass. Gen. Laws Ch. 93A § I, et seq.;

t. Michigan Consumer Protection Act (Mich. Comp. Laws Ann. § 445.901 et seq.) and the Michigan Pricing and Advertising Act (Mich. Comp. Laws Ann. § 445.351 et seq.);

u. Minnesota Consumer Fraud Act (Minn. Stat. Ann. § 325F.69); the False Statement in Advertisement Statute (Minn. Stat. Ann. § 325F.67); the Uniform Deceptive Trade Practices Act (Minn. Stat. Ann. § 325D.4); and the Unlawful Trade Practices Act (Minn. Stat. Ann. § 325D.13);

v. Miss. Code Ann. § 75-24-5 et seq.;

w. Missouri Merchandising Practices Act (Mo. Rev. Stat. § 407.010 et seq.);

x. Nebraska Consumer Protection Act (Neb. Rev. St. § 59-1601 et seq.) and the Uniform

Deceptive Trade Practices Act (Neb. Rev. St. § 87-301 et seq.);

y. Nevada Deceptive Trade Statutes (Nev. Rev. Stat. §§ 598.0903 et seq., 41.600 et seq.);

z. New Hampshire Regulation of Business Practices for Consumer Protection Act (N.H. Rev. Stat. Ann. § 358-A:1 et seq.);

aa. New Jersey Consumer Fraud Act (N.J. Stat. Ann. § 56:8-1 et seq. (West));

bb. New Mexico Unfair Practices Act (N.M. Stat. § 57-12-1 et seq.);

cc. New York Consumer Protection Act (N.Y. Gen. Bus. Law § 349, 350 (Consol.));

dd. North Carolina Unfair and Deceptive Trade Practices Act (N.C. Gen. Stat. Ann. § 75-1.1 et seq.);

ee. North Dakota Deceptive Act and Practices Statute (N.D. Gen. Stat. § 51-15-01 et seq.);

ff. Ohio Consumer Sales Practices Act (Ohio Rev. Code. Ann. § 1345.01 et seq);

gg. Oklahoma Consumer Protection Act (Okla. Stat. Ann. Tit. 15 § 751 et seq.) and Deceptive Trade Practices Act (Okla. Stat. Ann. Tit. 78 § 51 et seq.);

hh. Oregon Unlawful Trade Practices Act (Or. Rev. Stat. § 646.605 et seq.) and Food and Other Commodities Act (Or. Rev. Stat. § 616.005 et seq.);

ii. Pennsylvania Unfair Trade and Practices Act and Consumer Protection Law (Pa. Stat. Ann. Tit. 73 § 201-1 et seq. (Purdon));

jj. Rhode Island Consumer Protection Act (R.I. Gen. Law § 6-13.1-1 et seq.);

kk. South Carolina Unfair Trade Practices Act (S.C. Code Ann. § 39-5-10 et seq.);

ll. South Dakota Deceptive Trade Practices and Consumer Protection Law (S.D. Codified Laws Ann. § 37-24-1 et seq.);

mm. Tennessee Consumer Protection Act (Tenn. Code Ann. § 47-18-101 et seq.);

nn. Tex. Bus. & Com. Code § 17.41 et seq.;

oo. Utah Code § 13-11-1 et seq.;

pp. Vermont Consumer Fraud Statute (Vt. Stat. Ann. Tit. § 2451 et seq.);

qq. Virginia Consumer Protection Act (Va. Code § 59.1-196 et seq.);

rr. Washington Consumer Protection Act (Wash. Rev. Code Ann. § 19.86 et seq.);

ss. West Virginia Consumer Credit and Protection Act (W. Va. Code § 46A-6-l01 et seq.);

tt. Wisconsin Fraudulent Representations Act (Wis. Stat. Ann. § 100.18 et seq. (West)); and

uu. Wy. Stat. § 40-12-10 1 et seq.

99. As a proximate result of NTR's misrepresentations and omissions, Plaintiffs and Class Members have suffered ascertainable losses, in an amount to be determined at trial.

100. There are individuals and entities who are Class Members who are not residents of the States listed above. As to such Class Members, who are citizens of States that do not provide for statutory consumer class action relief under their own laws, Plaintiffs request a choice of law determination that the Illinois consumer protection statutes apply to such Class Members, so as to avoid an inconsistent adjudication or unjust gap in NTR's accountability for its wrongful consumer conduct.

101. Throughout the period described in this Complaint, NTR repeatedly engaged in intentional misconduct characterized by trickery, deceit and a wanton, willful, conscious and reckless disregard of the rights and interests of the Plaintiffs and Class Members, and, in so conducting itself, acted with oppression, fraud, and malice toward Plaintiffs and Class Members. As a result of Defendant's indifference to and reckless disregard of the rights and interests of its customers, Plaintiffs and Class Members have suffered economic harm and have incurred economic damages. Accordingly, NTR's conduct was highly reprehensible and Plaintiffs and Class members

are entitled to punitive and/or exemplary damages under all States' statutes providing for such relief.

COUNT THREE

(Negligence–In the Alternative to Count Two)

102. Plaintiffs incorporate by reference the preceding paragraphs as if they were fully set forth herein.

103. That at all times material, Defendant owed the Plaintiffs and members of the Class a duty of good faith and loyalty as customers of the company.

104. That at all times material, Defendant owed the Plaintiffs and members of the Class the duties to provide a fair and accurate reporting of the assay content of the refined metals it processed and payment at fair market value for such metals.

105. That at all times material, Defendant owed the Plaintiffs and members of the Class a duty to exercise reasonable skill, care and caution in setting up the calibration of its machines to avoid setting up a systematic bias in its favor for analysis of the precious metals content of samples it tested.

106. That the Defendant breached its duties to Plaintiffs and members of the Class, in contravention of law, and were then and there negligent in one or more of the following ways:

(a) Carelessly and negligently failing to provide a fair and accurate reporting of the assay content of the refined metals it processed;

(b) Carelessly and negligently setting up the calibration of its machines to avoid setting up an institutional bias in its favor for analysis of the precious metals content of samples it tested;

(c) Carelessly and negligently failing to honor its stated promise on its website to pay "top prices for precious metals;" and

(d) Carelessly and negligently paying less than market value to its customers who provided precious metals for refinement and sale.

107. As a direct and proximate result of the foregoing negligent acts or omissions, the Plaintiffs and members of the Class have suffered damages

108. Plaintiffs and members of the Class are free from any negligence on their part.

COUNT FOUR

(Unjust Enrichment)

109. Plaintiffs incorporate by reference the preceding paragraphs as if they were fully set forth herein.

110. NTR has been, and continues to be, unjustly enriched, to the detriment of and at the expense of the Plaintiffs and Class members, as a result of its failure to pay market value for precious metals it purchases from customers after refinement. Retention of such payments is inequitable.

111. Accordingly, NTR should not be allowed to retain the benefits conferred upon it by the Plaintiffs and Class Members, who seek disgorgement of NTR's unjustly acquired monies resulting from its unlawful conduct, and seek restitution for the benefit of the Plaintiffs and Class members, in an equitable and efficient fashion to be determined by the Court.

112. Plaintiffs and Class Members are entitled to the imposition of a constructive trust upon NTR such that its enrichment, benefit and ill-gotten gains may be allocated and distributed equitably by the Court to and/or for the benefit of Plaintiffs and Class Members.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, for themselves and all others similarly situated, respectfully request that the Court enter a judgment against NTR and in favor of Plaintiffs, on behalf of themselves and Class Members, and grant the following relief:

A. Determine that this action may be maintained as a Class Action with respect to a National class as defined herein, or in the alternative, appropriate separate State classes as required by the Court, and that the Court designate and appoint Plaintiffs and counsel to serve as class representatives and class counsel;

B. Declare, adjudge and decree that the conduct of NTR as alleged herein is in violation of the laws set forth herein;

C. Declare, adjudge and decree that NTR has engaged in the violations of law set forth herein;

D. Declare, adjudge and decree that the Court shall retain jurisdiction over NTR until such time as the Court is satisfied that it has remedied its improper policies and practices and is otherwise complying fully with the law;

E. Grant Plaintiffs and the Class awards of actual, compensatory, punitive and/or exemplary damages in such amount to be determined at trial as provided by applicable law;

F. Grant Plaintiffs and the Class their costs of suit, including, but not limited to, expert fees and other expenses of this litigation;

G Grant Plaintiffs and the Class reasonable attorneys' fees and expenses as provided by applicable law;

H. Grant Plaintiffs and the Class an award of pre- and post-judgment interest; and

I. Grant Plaintiffs and the Class such other, further and different relief as the Court may deem just and appropriate.

Dated: July 22, 2010

Respectfully submitted,

ASHLAND JEWELERS, INC., PJ'S PAWN PLUS, LLC, MISSOURI COIN CO., INC., EXCEL PAWN, INC. and CN CASH FOR GOLD, LLC,

/s/ Robert J. Shelist

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